

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 05-10314-RGS

UNITED STATES OF AMERICA

v.

DARRYL JEFFERSON

MEMORANDUM AND ORDER ON
DEFENDANT'S MOTION FOR A FURTHER
REDUCTION OF SENTENCE

May 11, 2012

STEARNS, D.J.

Having reviewed the Memorandum and Order of March 5, 2009, and the attached extracts from the sentencing hearing, I am confident that I did not sentence Mr. Jefferson under the career offender provisions of U.S.S.G. § 4B1.1, but rather under the “crack” cocaine guidelines as they then existed. In authorizing a reduction in the sentence in 2009, the court acted on the mistaken assumption that a ten-year mandatory minimum sentence applied and it thus treated 120 months as a floor below which it could not go.¹ It is also clear from the Memorandum, and my own recollection of Mr. Jefferson (who stood out for the commendable rehabilitative efforts that he has undertaken while in prison), that I would have authorized a reduction to the then applicable guideline minimum sentence of 92 months.

¹ Mr. MacKinlay, the Assistant U.S. Attorney, has graciously pointed out the court's error, noting that a five-year mandatory sentence applied instead as the government had not filed a notice pursuant to 21 U.S.C. § 851.

I will do so now. Defendant's motion is ALLOWED. The sentence is reduced to 92 months. All other terms and conditions of the sentence remain unchanged. The Clerk will revise the Judgment accordingly and notify the Bureau of Prisons of the court's decision.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE